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Paper No.

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**COPY MAILED**

**APR 16 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Goddard et al. :  
Application No. 10/063,592 : LETTER REGARDING  
Filed: May 3, 2002 : PATENT TERM ADJUSTMENT  
Atty Docket No. P3230R1C001-168:

This is in response to the LETTER REGARDING PATENT TERM ADJUSTMENT CALCULATION filed March 1, 2007. Pursuant to their duty of good faith and candor, applicants disclose that they believe the patent term adjustment calculation was done incorrectly.

The request for review of the initial determination of patent term adjustment (PTA) is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance is FIVE HUNDRED SIXTY-FIVE (565) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 28, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 610 days. Applicants state no basis for their assertion that the patent term adjustment calculation was done incorrectly.

Nonetheless, a review of the application history confirms a basis for an entry of a period of reduction. 37 CFR 1.704(c) provides, in pertinent part, that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(8) Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed;

In this instance, after the filing of a response on July 31, 2006, on September 11, 2006, applicants filed a supplemental response and on September 14, 2006, applicants filed an Information Disclosure Statement (IDS). The record supports a conclusion that these additional responses were not expressly requested by the examiner. Further, the IDS did not include a 1.704(d) statement. Accordingly, the PTA should have been reduced by 45 days, the number of days beginning on the day after the date the initial reply was filed, August 1, 2006, and ending on the date that the second supplemental reply or other such paper was filed, September 14, 2006.

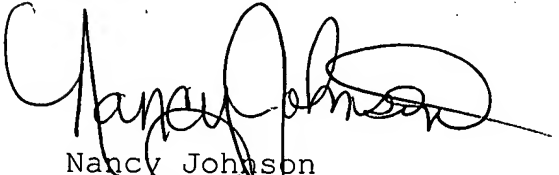
In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is FIVE HUNDRED SIXTY-FIVE (565) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment

of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation

Day : Wednesday

**PALM INTRANET**

Date: 4/11/2007

Time: 15:33:17

**PTA Calculations for Application: 10/063592**

Application Filing Date:	05/03/2002	PTO Delay (PTO):	615
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	5
Post-Issue Petitions:	0	Total PTA (days):	565
PTO Delay Adjustment:	-45		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
73	04/11/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		45	
63	11/28/2006	MAIL NOTICE OF ALLOWANCE			
62	11/28/2006	MAIL EXAMINER'S AMENDMENT			
61	11/27/2006	ISSUE REVISION COMPLETED			
60	11/27/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
59	11/27/2006	EXAMINER'S AMENDMENT COMMUNICATION			
58	11/27/2006	NOTICE OF ALLOWABILITY			
57	07/31/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
56	09/14/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
55	09/14/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
54	09/15/2006	DATE FORWARDED TO EXAMINER			
53	09/11/2006	SUPPLEMENTAL RESPONSE			
52	09/11/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
51	07/31/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	08/03/2006	DATE FORWARDED TO EXAMINER			
49	07/31/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
48	08/03/2006	DATE FORWARDED TO EXAMINER			
47	07/31/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
46	08/03/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			

45	07/31/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
44	05/30/2006	MAIL EXAMINER'S ANSWER	55		41
43	05/25/2006	EXAMINER'S ANSWER TO APPEAL BRIEF			
42	05/25/2006	DATE FORWARDED TO EXAMINER			
41	12/05/2005	APPEAL BRIEF FILED			
40	12/07/2005	CORRESPONDENCE ADDRESS CHANGE			
39	11/08/2005	MAIL ADVISORY ACTION (PTOL - 303)			
38	11/07/2005	ADVISORY ACTION (PTOL-303)			
37	10/20/2005	DATE FORWARDED TO EXAMINER			
36	10/11/2005	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
35	10/11/2005	NOTICE OF APPEAL FILED		5	26
34	09/30/2005	MAIL ADVISORY ACTION (PTOL - 303)			
33	09/29/2005	ADVISORY ACTION (PTOL-303)			
32	09/06/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
31	09/06/2005	REFERENCE CAPTURE ON IDS			
30	09/06/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
29	09/12/2005	DATE FORWARDED TO EXAMINER			
28	09/06/2005	AMENDMENT AFTER FINAL REJECTION			
27	07/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	07/06/2005	MAIL FINAL REJECTION (PTOL - 326)			
25	07/05/2005	FINAL REJECTION			
24	04/13/2005	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
23	04/13/2005	REFERENCE CAPTURE ON IDS			
22	04/13/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	19
21	04/13/2005	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
20	04/26/2005	DATE FORWARDED TO EXAMINER			
19	04/13/2005	RESPONSE AFTER NON-FINAL ACTION			
18	01/13/2005	MAIL NON-FINAL REJECTION	560		-1
17	01/10/2005	NON-FINAL REJECTION			
16	06/07/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	06/03/2004	CASE DOCKETED TO EXAMINER IN GAU			
14	09/23/2003	IFW TSS PROCESSING BY TECH CENTER			

		COMPLETE			
13	09/13/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/09/2002	PRELIMINARY AMENDMENT			
11	09/17/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
10	05/07/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
9	07/29/2002	CASE DOCKETED TO EXAMINER IN GAU			
8	07/24/2002	APPLICATION DISPATCHED FROM OIPE			
7	07/23/2002	APPLICATION IS NOW COMPLETE			
5	05/17/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
4	05/14/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	05/03/2002	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
2	05/03/2002	ELECTRONIC FILING OF ORIGINAL APPLICATION PAPERS			
1	05/03/2002	INITIAL EXAM TEAM NN			

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**EXPLANATION OF PTA CALCULATION**

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